



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

Policy No. DOC 1.3.5	Subject: <b>EMPLOYEE PRIVACY AND RECORD KEEPING</b>
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3
Section 3: Human Resources	Effective Date: July 1, 1997
Signature: /s/ Mike Batista, Director	Revised: 01/07/2015

## **I. POLICY**

The Department of Corrections will protect the privacy of its employees by restricting personnel information to that required for business, legal, or contractual purposes, and limiting internal access to supervisory staff with a job-related need to know. The Department will only release confidential information from the personnel files externally, with the employee's consent, or to comply with requirements established by the [\*Employee Records Management Policy, ARM 2.21.6601 et seq.\*](#) To assure openness, employees may have access to and include comments regarding information in their own personnel file.

## **II. APPLICABILITY**

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

## **III. DEFINITIONS**

Access – Permission to view and use records.

Confidential Record – A record to which there is restricted access.

Document – An object upon which information is written, transcribed, or recorded.

Employee Payroll Record – The record maintained by the Payroll Unit related to employee pay, benefits, and hours worked.

Employee Personnel Record – Information relating to an individual's employment with the State of Montana, which is appropriate for preservation as evidence of employment policies, practices, and decisions; may be a paper document or information maintained in an information system.

Record – A body of recorded information that may be manually or electronically recorded and maintained.

## **IV. DEPARTMENT DIRECTIVES**

### **A. Disclosure of Employee Information**

1. An individual requesting information about a current, retired, or terminated employee must send a request to the Office of Human Resources (OHR). The OHR will release employee information in accordance with Montana Operations Manual guidelines including that an employee's position, title, dates and duration of employment, and salary are public information and must be released upon request.

### **B. Personnel Records**

Policy No. DOC 1.3.5	Chapter 1: Administration and Management	Page 2 of 3
Subject: <b>EMPLOYEE PRIVACY AND RECORD-KEEPING</b>		

1. The OHR will maintain one personnel record for each employee that includes, but is not limited to, the following:
  - a. hire letters;
  - b. State and internal application forms;
  - c. a signed ethics policy and policy sign-off forms;
  - d. performance evaluations and employee rebuttal statements;
  - e. documents relating to discipline or personal problems which required employer intervention or affected an employee's ability to perform job-related duties;
  - f. letters of recognition;
  - g. alternate work schedules;
  - h. letters relating to the outcome of an investigation or grievance which involve discipline or adjustments in pay or leave credits; and
  - i. resignation letters.
2. Each employee's personnel file is confidential and stored by the OHR in secured file cabinets, storage systems, and/or electronic files; access is restricted to the following for job-related purposes only:
  - a. the employee or employee representative(s) with written permission of the employee;
  - b. the direct supervisor;
  - c. those employees above the direct supervisor in the direct line of managerial authority;
  - d. members of the OHR;
  - e. legal counsel representing the Department;
  - f. a supervisor considering the employee for a promotion or transfer;
  - g. legislative auditors;
  - h. human rights investigators; and
  - i. the Department may authorize access by others for purposes of conducting an investigation that may result in civil or criminal prosecution.
3. Access to a personnel file for an employee or employee representative with written permission from the employee must adhere to the following:
  - a. access is permitted during normal business hours;
  - b. the individual may not check out or remove records or the file; and
  - c. the individual may request a reasonable number of copies of specific records which will be provided at no cost or request a complete copy of a personnel file to which a charge may be applied.

### **C. Payroll Records**

1. The Payroll Unit will maintain, and may access, one payroll record for each employee; the payroll file may include, but is not limited, to the following:
  - a. payroll documents;
  - b. time and attendance reports;
  - c. sick leave fund vouchers;
  - d. health insurance forms;
  - e. retirement and deferred compensation enrollment forms;
  - f. unemployment insurance claims;
  - g. documents of previous employment which affect employee benefits; and

Policy No. DOC 1.3.5	Chapter 1: Administration and Management	Page 3 of 3
Subject: <b>EMPLOYEE PRIVACY AND RECORD-KEEPING</b>		

- h. marriage certificates, birth certificates, military discharge papers, or other personal documents needed for the administration of employee benefits.

#### **D. Additional Records**

1. The OHR will maintain the following records separate from personnel files:
  - a. confidential recruitment and selection files;
  - b. documents developed as part of an investigation or grievance; and
  - c. information collected regarding medical examinations and inquiries will be maintained and accessed in compliance with the Family Medical Leave Act (FMLA) and [DOC 1.3.15 Americans with Disabilities Act \(ADA\)](#).
2. The following information is inappropriate for inclusion in a permanent personnel or payroll file:
  - a. information concerning an employee's family members except group insurance enrollment forms, PERS forms, decedent's warrants, and life insurance forms;
  - b. undocumented or speculative information concerning an employee's personal, business, or professional activities;
  - c. credit worthiness or personal financial information except requests from a lending institution to verify salary and potential for continued employment; and
  - d. social security numbers will not be used for internal or external identification and will be maintained and used only to meet government and legal requirements.

#### **E. Employee Correction or Dispute of Record**

1. A change or deletion to an employee's file may be made with the approval of the employee's immediate supervisor at the employee's request for correction or deletion of incomplete or inaccurate information. In cases of disagreement, the employee has the right to add a statement of disagreement to the file.

#### **V. CLOSING**

Provisions of this policy not required by statute will be followed unless they conflict with negotiated labor contracts which will take precedence to the extent applicable.

Questions concerning this policy should be directed to the Office of Human Resources.

#### **VI. REFERENCES**

- A. *Employee Records Management Policy, ARM 2.21.6601 et seq*
- B. 4-4067, -4068, -4070; *ACA Standards for Adult Correctional Institutions, 4<sup>th</sup> Edition*
- C. 3-JTS-1C-21, 3-JTS-1C-22, 3-JTS-1C-24; *ACA Standards for Juvenile Correctional Facilities, 2003*
- D. *DOC Policies 1.3.15 Americans with Disabilities Act (ADA); 1.3.39 Supervisory Documentation*

#### **VII. ATTACHMENTS**

None